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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/510,191	07/21/2005	James Chladek	CHLA 19.378(101397-00057)	6385
26304 7590 02/26/2008 KATTEN MUCHIN ROSENMAN LLP 575 MADISON AVENUE NEW YORK, NY 10022-2585			EXAMINER CHOKSHI, PINKAL R	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 02/26/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/510,191	CHLADEK, JAMES	
	Examiner	Art Unit	
	Pinkal Chokshi	2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-4 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 September 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. **Claims 1-2 and 4** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 6,226,618 B1 to Downs ET al (hereafter referenced as Downs).

Regarding **claim 1**, “a system for distributing program content to one or more display devices on a subscription basis” reads on the system that delivers digital data over communication network to subscriber devices (abstract and col.1, lines 51-57) disclosed by Downs and represented in Fig. 9.

As to “the system comprising: (a) a server for receiving authored program content for storing the received content” Downs discloses (col.9, lines 5-7) that the content provider receives/stores authorized packet content for distribution as represented in Fig. 1 (element 113). As to “for scheduling playback of stored content at one or more predetermined times” Downs discloses (col.9, lines 18-21 and col.81, lines 36-38) that the workflow manager schedules content to be displayed at the scheduled time. As to “for delivering the stored content to one or more subscribers over at least one broadband network at the one or more

predetermined times” Downs discloses (col.6, lines 49-52; col.81, lines 10-23, lines 36-38) that the content server provides the content stored in the storage device over Internet upon a request from end user.

As to “(b) a Player for initiating a subscription for delivery of the stored content, for receiving the stored content over the at least one broadband network, and for providing the stored content to a display device for display” Downs discloses (col.6, lines 49-52; col.84, lines 11-15) that upon the receipt of the stored digital content from content provider, end user device displays this content on the screen as represented in Fig. 15A (element 1510).

Regarding **claim 2**, “the system further comprising: (c) a producer for authoring stored content and providing the authored content to the server in a predetermined format” Downs discloses (col.8, lines 26-40) that the system allows for the selection of different types of formats for contents received in content provider.

Regarding **claim 4**, “a player for providing broadcast information for display by a display device” reads on the end-user system that receives secured data (abstract) discloses by Downs. As to “the player comprising: (a) setup means for connecting and logging in to a network for receiving broadcast information” Downs discloses (col.11, lines 30-48) that the end-user device downloads and stores information, requests and manages digital content by

connecting to network. Downs further discloses (col.76, lines 26-31) that the user needs no further validation required after user makes the purchase by signing in to the network and then content provider provides authenticity to the end-user device.

As to "(b) menu means for causing one or more broadcast channels to be identified on the display device" Downs further discloses (col.12, lines 12-24 and col.58, lines 1-12) that the system provides the list of contents/channels to end user as represented in Fig. 15A.

As to "(c) selection means for selecting a broadcast channel to which the player is subscribed" Downs discloses (col.26, lines 24-26) that the end-user device receives the content that was purchased.

As to "(d) interaction means for selecting a feature identified by the broadcast information" Downs discloses (col.79, lines 60-65) that the user at the end-user device interacts with the server of digital content after the purchase is made.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claim 3** is rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 6,226,618 B1 to Downs ET al (hereafter referenced as Downs) in view of US Patent 6,993,137 B2 to Fransdonk ET al (hereafter referenced as Fransdonk).

Regarding **claim 3**, Downs teaches (col.8, lines 26-40) that the system allows for the selection of different types of formats for contents received in content provider. Downs meets all the limitation of the claim except "the system wherein the predetermined format includes information identifying the one or more predetermined times." However, Fransdonk discloses (col.7, lines 49-53) that the requested content program from the subscriber includes the date and time information as well as authentication information. Therefore, it would have been obvious to one of ordinary skills in the art at the time of the invention to include the time information with the content as taught by Fransdonk in order to provide digital contents to users at precise time and to receive digital content efficiently at the set time.

Conclusion

5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent 7,328,455 B2 to Jutzi ET al discloses a set top box that receives secure content from the server.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pinkal Chokshi whose telephone number is 571-270-

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3317. The examiner can normally be reached on Monday-Friday 8 - 5 pm (Alt. Friday off).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Brian Pendleton can be reached on 571-272-7527. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PRC/

BRIAN PENDLETON
SUPERVISORY PATENT EXAMINER

A handwritten signature in black ink, appearing to read "Brian Pendleton", is written over a horizontal line.